8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

(iv) *Ill-treatment.* A woman may demand a divorce and receive the support of her family if her husband persistently ill-treats her (*ciang jiegh*) or beats her without reason. Her brother will often seek to protect her from serious maltreatment, and her family are interested in her welfare. 586

Whether the family of the wife will support her depends on a variety of circumstances and a combination of all matters which are conventionally regarded as grounds for divorce. They may agree with her if her husband not only persistently ill-treats her but also is lax in his duties towards them or does not approach them with the respect (*thek*) which is due to relatives-in-law. If he has paid substantial bridewealth for her, it is, of course, in their interests that the marriage should continue, but this may be outweighed by other considerations. It is their desire too that a daughter of the house should have children, though their feeling in this respect is not so intense as that of the husband's family. Her children, although legally placed in the patrilineal lineage of their father, will be an asset to the maternal line. We have seen that in the marriage a substantial part of the bridewealth goes to the maternal kin, and the matter of the husband's potency is therefore of practical concern to them. Moreover the final consideration which will often compel them to seek a divorce, whatever the difficulties and inconveniences to themselves, is the fear that she will run away to some other part of the country, in which case they may lose not only the cattle of this marriage but the possibility of getting others from her remarriage. In extreme cases she may even commit suicide.[1] [762]

It is the interaction of all these considerations and circumstances which determines the stability of marriage or the reverse. They are in fact features of the relations subsisting between the two groups concerned: first between the husband and his wife, then through them between their families and by extension between the two kinship groups as a whole. As children are born of the union, so stability increases and the likelihood of dissolution by the return of bridewealth gradually disappears until, in the event of three or more children having been born and still living, the possibility of a return of the bridewealth no longer exists, and it is no longer legally possible to claim it. This is recognized in Nuer law now administered in the courts, for, as we have seen, it is reckoned that a man cannot have a right to the return of any portion of his bridewealth if his wife has borne him two or, in the case of some tribes, three children who are still living. In fact, he would rarely seek dissolution, even if his wife had left him or was dead, for the disadvantages of her absence from his home are

[1] This is not common, but I have known several cases, and in one instance a woman attempted to hang herself from a tree under which I was sitting in an official capacity. The intention, however, may not have been serious, but merely to draw my attention to her grievances.

775 626 761 I give some examples of the kind of circumstances in which *cien* acts. A man haunts his kinsmen because he was slain and they neither avenged him nor exacted compensation in cattle for his death. When a man slays a close kinsman 'they [may] say "do not spear him, let him die of *cien*"'. After a while he becomes distracted and his ears ring. He loses his wits and takes to wandering alone in the bush and to sleeping there by himself at night, or he wanders to a distant country and lives there haunted. 'Nuer have no sense. A man may slay even his mother's son in anger. Well, he haunts him from the grave. He [the living man] sits moping. For two or three days together he refuses food. He wanders by himself in the bush. Then he sickens and dies.' A man may kill another secretly when they are alone together in the bush and tell no one of the deed. Then the dead man's ghost will pursue him from the grave. I was told of a case of this kind among the eastern Jikany in which the slayer married some two or three years after his crime. His first child died, then his second child, then his third child; and 'he remained childless like an impotent man'. He consulted a diviner, who wormed out of him that 'he had something in the earth', a euphemism for the body of his victim. On the diviner's advice he confessed and paid compensation for the life he had taken. Nuer told me also that a man who has witnessed a killing, though he had no part in it, yet if he keep silence, will suffer misfortune because 'it is like as though he had hidden the [dead] man'. A man who commits serious incest, such as one who has carnal relations with a woman and then with her daughter, and so causes the death of the daughter, will be haunted by her ghost. The ghost will summon him to the land of the dead, saying '*ban wa jogh*', 'let us go behind' [to the *jookni*, ghosts]. A [762] girl who is married to a man she detests and commits suicide may take vengeance from the grave on her kin who forced her to marry him. However, those Nuer whom I questioned were not in agreement in this case, some holding that the girl would not have *cuong*, right, and could not therefore harm her kin. A man who knows that his son had congress with his wife may keep silence, hoping that the son will confess and ask his forgiveness, but the son also keeps silence, even when he sees that his father is dying, so the father takes his resentment with him to the grave and punishes him from there. A man who has not been properly buried may haunt his kin. However, a man who has suffered any